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Hartville, Ohio 44632

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TO:

Name: Mail Stop AMENDMENT
Group Art Unit 3728/Examiner David Willse

Firm: U.S. Patent & Trademark Office

Fax No.: 703-872-9306

Subject: U.S. Patent Application No. 09/674,971
Gary K. Michelson

Filed: September 30, 2003

METHOD FOR INSERTING AN INTERBODY
SPINAL FUSION IMPLANT HAVING A
REDUCED WIDTH AND AN
ANATOMICALLY CONFORMED
TRAILING END (as amended)

Attorney Docket No. 101.0059-02000

Customer No. 22882

Confirmation No.: 4939

FROM:

Name: Thomas H. Martin, Esq.

Phone No.: 330-877-2277

No. of Pages (including this): 9

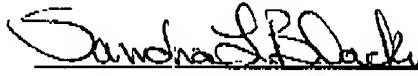
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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

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FORM PTO-1083

SEP 03 2004

Attorney Docket No.: 101.0059-02000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson

Serial No. 10/674,971

Filed: September 30, 2003

For: METHOD FOR INSERTING AN INTERBODY
SPINAL FUSION IMPLANT HAVING A
REDUCED WIDTH AND AN ANATOMICALLY
CONFORMED TRAILING END (as amended)

Confirmation No.: 4939

Art Unit: 3738

Examiner: David Willse

Mail Stop AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a reply to the Office Action dated August 12, 2004 in the above-identified application.

No additional fee is required.
 Applicant hereby requests a ***month extension of time to respond to the above office action.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR		(Col. 3) PRESENT EXTRA	LG/\$M \$ ENTITY FEE		ADD'L FEE DUE
TOTAL CLAIMS FEE	21	-	49	--	0	LG=\$18 SM=\$9	\$18	\$ 0
INDEPENDENT CLAIMS FEE	2	-	4	---	0	LG=\$86 SM=\$43	\$86	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS						LARGE ENTITY FEE = \$200 SMALL ENTITY FEE = \$145		\$ 0
						TOTAL	\$ 0	

- If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

A check in the amount of \$____ to cover the additional claims fee is enclosed.
 A check in the amount of \$____ to cover the ***-month extension of time fee is enclosed.
 The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1066. A copy of this sheet is enclosed.
 Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
 Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,
MARTIN & FERRARO, LLP

Date: September 3, 2004
By: 
Thomas H. Martin
Registration No. 34,383

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TOTAL CLAIMS FEE	21	-	49	**	0	LG=\$18 SM=\$9	\$18
INDEPENDENT CLAIMS FEE	2	-	4	***	0	LG=\$86 SM=\$43	\$86
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$290 SMALL ENTITY FEE = \$145		\$ 0
					TOTAL		\$ 0

¹ If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.² If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.³ If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

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Respectfully submitted,
MARTIN & FERRARO, L.P.

Date: September 3, 2004

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